

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION**

REVARDALE L. MIDDLETON,

Plaintiff,

v.

EQUIFAX INFORMATION SERVICES,
LLC; EXPERIAN INFORMATION
SOLUTIONS, INC.; TRANS UNION LLC;
BANK OF AMERICA, N.A.; and GENESIS
FINANCE, LLC,

Defendants.

CIVIL ACTION NO.: 4:23-cv-219

ORDER

Before the Court is Plaintiff's Notice of Voluntary Dismissal Without Prejudice as to Genesis Finance, LLC, which was signed only by counsel for Plaintiff. (Doc. 52.) In the filing, Plaintiff notifies the Court of her voluntary dismissal, without prejudice, of all claims asserted against the specified Defendant, which has not filed an answer or a motion for summary judgment in this case. (Id.) Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), a plaintiff may dismiss an action by filing "a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment." Because it has not filed an answer or motion for summary judgment in this case, Defendant Genesis Finance, LLC, is **DISMISSED WITHOUT PREJUDICE**. See Plains Growers, Inc. v. Ickes-Braun Glasshouses, Inc., 474 F.2d 250, 255 (5th Cir. 1973) ("[R]eading the rules governing dismissal by notice and dismissal by motion together, we conclude that it was intended by the rule-makers to permit dismissal against such of the

defendants as have not served an answer or motion for summary judgment”).¹ The Court **DIRECTS** the Clerk of Court to **TERMINATE** Genesis Finance, LLC, from this case and to **UPDATE** the docket accordingly.

SO ORDERED, this 13th day of December, 2023.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is stylized with a large "R" and "S".

R. STAN BAKER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA

¹ In Bonner v. City of Prichard, 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all decisions of the former Fifth Circuit handed down prior to October 1, 1981.